

## Interview Summary

Application No.  
**08/458,019**

Applicant(s)  
**Johnson et al**

Examiner  
**DR. HERBERT J. LILLING**

Group Art Unit  
**1651**

All participants (applicant, applicant's representative, PTO personnel):

(1) DR. HERBERT J. LILLING

(3) \_\_\_\_\_

(2) ATTORNEY GEORGE JONES

(4) \_\_\_\_\_

Date of Interview Jun 22, 2000

Type: ☐ Telephonic ☒ Personal (copy is given to applicant ~~applicant's~~ representative).

Exhibit shown or demonstration conducted: ☒ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: ALL

Identification of prior art discussed:

ALL

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

SEE ATTACHMENT

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

  
**DR. HERBERT J. LILLING**  
**PRIMARY EXAMINER**  
**ART UNIT 1651**

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Art Unit: 1651

**SUMMARY INTERVIEW JUNE 22, 2000**

Applicant alleges that the PCT date should not be considered in view of the MPEP edition dated February 2000 in that the U.S. filing date is only of the issued patent which does not go back to any PCT date. Examiner will check into this situation.

There is no rejection based on 35 U.S.C. 102 (b) since the date of April 1988 is less than one year for the priority of the parent application which was August 8, 1988. Examiner will check the oldest application dated August 8, 1988 and the continuation for support of the language.

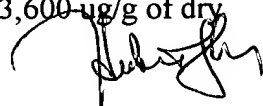
In the claims the wording "at least" and "more than" would probably not be acceptable and the rejection based on the written desc will be maintained. Acceptable would be -----a range of about 700 to about 1700 ug/g of dry yeast---.

Applicant indicates that the double patenting of the Fleno which is U.S. 5,356,810 is not obvious for the claimed inventions in which the amount is greater than 700. The claim indicates at least 600 and the specification indicates the at least is a value that goes to more than 3,000.

Examiner will consider arguments.

Applicant is only required to submit a deposit for the IGI-280B60 which yields the highest amount of pigment. A statement with respect to the availability would be required for this deposit.

In claims 31-34, the dependency should be on Claim 25. In addition, there is no support for the claimed language "at least-----times" which values would range up to 3,600 ug/g of dry yeast.

  
**HERBERT J. LILLING**  
**PATENT EXAMINER**  
RD 1116 1600 1051